

UNITED STATES DISTRICT COURT

for the  
Northern District of Georgia  
Atlanta Division

FILED IN CLERK'S OFFICE  
U.S.D.C. Atlanta

MAY 26 2021

JAMES N. HATTEN, Clerk  
By:  Deputy Clerk

Hombre Thomas  
Plaintiff,

v.

Case Number:

**1:21-CV-2195**

TAICEDA Pharmaceutical  
Defendant.

Discrimination Complaint

JOE THOMAS  
 PLAINT AGAINST TAKEDA PHARMACEUTICAL  
 Shire Pkwy, Social Circle, GA 30025

JOE THOMAS WAS EMPLOYED WITH TAKEDA PHARMACEUTICAL FOR 2 YRS AS  
 VIBR MANUFACTURING TECH IN THE FRAC DEPT.

AS WELL LIKE AMONG MY CO-WORKERS AS WELL AS BY STAFF.

IT UPON MYSELF TO LEARN KEY POSITIONS IN FRAC DEPT, WORKING ANYWHERE  
 100 HRS TO 150 HRS PER PAY PERIOD.

UNFORTUNATELY I WAS INJURED ON THE JOB JAN 20, 2020, I WAS SENT TO  
 HR SERVICES TO BE LOOKED AT (TAKEDA ON SITE HEALTH CLINIC). I WAS SEEN BY  
 A NURSE (ON SITE NURSE) I ASK SHELIA THAT I WOULD LIKE TO SEE A OUTSIDE DOCTOR, IN  
 HER SHELIA STATED THAT I COULD NOT GO TO A OUTSIDE CLINIC. AFTER ABOUT A  
 MINUTE EXPLAINING TO SHELIA THAT I WAS IN PAIN AND WANTED OUTSIDE MEDICAL TREATMENT,  
 FINALLY GAVE ME PAPER WORK TO GO TO AXIS OCCUPATIONAL CLINIC.

BEING TREATED AT AXIS I WAS ASK MY PAIN LEVEL I BEING MODERATE TO BEING  
 SEVERE, I STATED 9. MY BLOOD PRESSURE WAS TAKEN, THE NURSE STATED IT WAS  
 HIGH AND I WAS INFORMED BY THE NURSE THIS WAS DUE IN PART OF ME BEING IN PAIN.

FEW DAYS LATER I WAS CONTACTED BY TAMMELA FROM HUMAN RESOURCES, STATING TO  
 ME THAT A CONDITION WAS INTERFERING WITH MY WORKER COMP INJURY AND THAT  
 I COULD NOT RETURN TO WORK UNTIL THIS MATTER WAS RESOLVED. EXPLAINING TO  
 TAMMELA THAT IF ANOTHER ISSUE WAS INTERFERING WITH THE WORKERS COMP INJURY  
 IT WAS A PRIVATE MATTER AND ALSO STATING THAT WHY IS A COMPANY DOCTOR, GIVING  
 PERSONAL MEDICAL INFO OUTSIDE THE SCOPE OF MY WORKERS COMP INJURY TO TAKEDA  
 PERSONNEL (NO WAIVER WAS EVER SIGNED BY MYSELF). ONLY AFTER I STARTED TO  
 QUESTION THE MOTIVATES OF TAMMELA AND SHELIA INTERFERING WITH MY  
 MEDICAL TREATMENT, THIS WHEN I WAS LABELED AS BEING UNPROFESSIONAL,  
 THREATENING AND SO FORTH. AFTER MY FIRST ENCOUNTER WITH TAMMELA, BY  
 PHONE I STARTED TO RECORD ALL MY CONVERSATION BETWEEN HER, SHELIA AND  
 OTHERS WHO WERE DOING VERY STRANGE THINGS IN THE INTERRUPTION OF MY  
 ON GOING WORKERS COMP MEDICAL TREATMENT.

IN HIND SITE I WAS RETALITED AGAINST AS WELL AS DISCRIMINATED AGAINST,  
 WHERE AS MY INJURY REQUIRED ME TO HAVE SURGERY.

## **Hombre Thomas Complaint Takeda Pharmaceutical**

I was injured on Jan 20,2020 and was seen at Axis Occupational Clinic. I was ask what my pain level was on a scale of 1-10(10 being severe) mines was 10+. My vital were taken by the nurse, she informed me that my blood pressure was high and that was in due in part of my pain associated with my on the job injury. On Jan 27,2020 I was contacted by Tammala Payton(by phone) informing me that there was a issue with me being treated for my on the job injury, I proceeded to ask her about this matter, she stated the doctor said that there was another medical issue that was interfering with them treating me for my on the job injury. I ask Tammala what was the issue, she informed me that I would have to contact there Health Service Dept to get further information, I told her I found this kind of odd why another so-called personal condition would interfere with my treatment of the on the job injury. Tammala then informed me that I could not return to work until I go see my personal physician and submit a doctor's note. At this point I became confused explaining to her that I don't see the logic in this, telling Tammala that a personal medical issue has no bearing on my worker comp. injury. I once never disrespected or used any inappropriate language. Did I cut Tammala off yes, because I was trying to explain my position telling Tammala that I find this to be very strange and odd, why their medical provider is sharing my so-called medical condition with them. Furthermore, I relayed to Tammala I think their medical provider is violating HIPAA Act, telling Tammala I never signed a wavier giving their medical provider permission to discuss issue is outside the scope of the worker comp injury. Tammala held firm on her position stating I will need a medical release from my private physician in order to return to work and to contact Takeda Health Service.

I contacted Takeda Health Service and spoke with Shelia, I was informed by Shelia that the treating physician for my worker comp injury explained to her that, I have high blood pressure. I relayed to Shelia that I was told by the nurse this was due in part of me being in intense pain. I also stated to Shelia if this was the case then why is the company Doctor disclosing my medical info to Tammala and a third party (Takeda Health Services) because a wavier by me was never signed. I proceeded to ask Shelia if there is any way I can obtain my medical records, so I can clear this matter up in return Shelia told me no, I ask why and Shelia continue to tell me no. I never once hung up, used inappropriate language, defensive maybe because this was so strange and odd to me.

After my conversation with Tammala and Shelia, I contacted Axis Occupational and requested my medical records so that I could clear this matter up, in short, I was denied.

I reach out to consult with some Worker Comp Lawyers to get advice about the issue at hand, I was informed by several Lawyers that Company's sometime use manipulation tactic's on employees when they are injured on the job. The lawyers also informed me that I was entitled to my medical records as well, went so far as to tell me to contact the Ga Worker Comp Board for more directions(Also I was

informed to have a witness and or to start recording my interactions with Tammala & Shelia). With this information I telephoned the Worker Comp Board and explain the situation, and was told almost the exact same thing, about the manipulation, scare tactics, and I had the right to my medical records. Lawyers also conveyed to me to go see my physician so I would not lose my job, and if I were in need to hire a lawyer, I could reach out to them for their service.

Jan 28,2020 I was treated for the so-called high blood pressure, I explained to the physician who treated me what was going on he as well found this odd, stating that pain when injured can cause blood pressure to rise.

I called Tammala and informed her that I have a medical release to return to work and told her I was on the way to Takeda to bring it to her. Once I arrived at Takeda I was met by Tammala(Yes I did not shake her hand I am not required to do so, and never rolled my eyes). In Tammala position statement she stated I continued to complain and have hostility body language(whatever that is) while we walk to Health Service(Please refer to my recording convo with Tammala).Also my interaction with the nurse as well on this same recording, Shelia stating I was being rude, condescending as well as aggressive, none of this is evident on the recording.

Jan 29,2020

Went to health service for heat and ice for my on the job injury which was a requirement of my medical restrictions from Takeda medical provider, this was some where around 8 something in the morning. I proceeded to go back to Health Service maybe 2 hours later and Shelia informed me that it was not time, I in return relayed to her that my restriction stated heat and ice for 8 hours or when needed. At this moment I gave Shelia a copy of my restrictions. Shelia stated that my restrictions where a typo, Shelia then contacted Axis Occupational( That's who I assume she called she did not put phone on speaker) and then proceeded change the restrictions over the phone, I responded by informing her that she was not my treating physician and had no right to have this change. I was told by Shelia she had every right to do this because she was a nurse, I in returned stated to Shelia I did not care who she was that she had no right to interfere with medical care, after this Shelia said she felt threaten.(Refer to my recording nurse change restrictions) No threats were never made by myself, there was a witness in Health Services name Ruthie(706-473-4198)( who Takeda H R never spoke with). I left Health Services on my own accord, was not lured out. Shelia stated that she was going to HR about this matter I said I would go with her.

I went to HR to no avail no one was present. I then proceeded back to my production area to explain this matter to my supervisor Darryl Briggs once again to no avail he was not on the production floor. I called Darryl production phone and stated to him I need to talk to him, Darryl told me to meet him in front of Health Services. Once I arrived in front of Health Service, I was greeted by 3 other supervisors(Tyler Brown ,David Macrae, Darryl Briggs, Dept Head Paul Turner & Security).This incident was recorded as well(Same recording as nurse change restrictions). Paul Turner informed me that I was being place on administrative leave due in part of them trying to figure out my restrictions, not because I so-called threaten Shelia(You can hear what Paul Turner said on the recording). Paul stated I became argumentative, clearly if you listen to the recording this is not the case. I ask Paul why I was being placed on administrative leave he stated the reason, I ask will I be paid Paul replied yes and I left the premises.

**Feb 7, 2020**

**I met with Elliot Gamble, Paul Turner, Tammala Payton(Refer to recording separation from employment). Elliot stated that I aggressively pulled my chair out (the recording does not dictate that).**

**Elliot never offered his hand to be shaken. Elliot and Paul stated in their position statement I became combative, and snapped and stated "What Behavior"(recording clearly state differently) this never happened(Paul did not speak at this meeting nor did Tammala).Elliot also stated I started arguing about access to my medical records, scowl, interrupting, again NOT TRUE(Listen to recording) Once I started to state my case, Elliot said "Oh this the behavior we are talking about", I was never contacted about what happen in Heath Service with Shelia on Jan 29,2020, the witness Ruthie who witness this was never interview about what happened. I stated to Elliot that this is a one sided story, he never ask what took place I informed Elliot at this point I do not trust them, cause if stating my case and in return Elliot tells me I am exhibiting the behavior of what they were talking about then I clearly seen that I was being railroaded. Elliot stated I was being separated from employment, for negative body language, being sarcastic, being short. Elliot state in his statement that they were willing to work with me and bring me back with a final written warning, clearly from the recording this was never discuss or brought to my attention, and in the statement of Elliot ,Paul, Tammala, & Shelia as well as Axis Occupational if I so-called threaten all these individual why would Takeda bring me back on a FINAL WRITTEN WARNING?? That goes against Takeda Code of Conduct. These individuals all conspired against me in losing my job and interfering with my medical treatment, and then got together and lied to make me look like a monster. Threatening any person on the job is grounds for termination, this was not the case in this matter me threatening people was not the cause of me being terminated, stated by Elliot own words on the recording.**

**In closing, I was approved for unemployment which would not be the case if I had threatened all these people. Threaten any individual on a job is grounds for denial of unemployment benefits.**

**So once again why Takeda did not contest the unemployment?**

**Why would you offer to give me a final written warning when this goes against Company policy?**

**Takeda preaches integrity & trust, where is that integrity & trust when Management gets together and falsely present statements surrounding this issue. My tone was not disrespecting, it was not threatening, nor did I ever scream, yell or use profanity. Takeda my not like the way I spoke, that is no reason for termination, I was some what in debatable mode trying to present my case to Tammala but was never disrespectful in any way shape or form.**

EEOC Form 161 (11/2020)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Hombre W. Thomas**  
**150 Rockingham Drive**  
**Covington, GA 30014**

From: **Atlanta District Office**  
**100 Alabama Street, S.W.**  
**Suite 4R30**  
**Atlanta, GA 30303**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**410-2020-03440**

**Carmen Bethune,**  
**Investigator**

**(404) 562-6986**

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

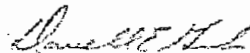
## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

On behalf of the Commission


**March 1, 2021**

Enclosures(s)

**Darrell E. Graham,**  
**District Director**

(Date Issued)

cc:

**Elizabeth Philp, Esq.**  
**Seyfarth Shaw LLP**  
**1075 Peachtree Street NE**  
**Suite 2500**  
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